

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

HERMAN PATTERSON,	)	
	)	
Petitioner,	)	
vs.	)	NO. CIV-11-0982-HE
	)	
AVALON CORRECTIONAL	)	
FACILITY, et al.,	)	
	)	
Respondents.	)	

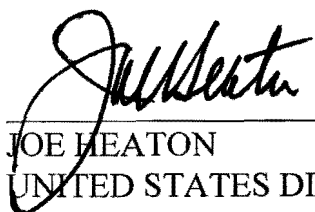
**ORDER**

Petitioner Herman Patterson, a state prisoner appearing *pro se*, filed this habeas action and sought leave to proceed *in forma pauperis*. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Magistrate Judge Doyle W. Argo, who has recommended that petitioner's request to proceed *in forma pauperis* be denied and the action be dismissed without prejudice unless petitioner pays the initial partial filing fee of \$5.

Petitioner failed to object to the magistrate judge's Report and Recommendation and thereby waived his right to appellate review of the issue it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(C). Accordingly, the court adopts Magistrate Judge Argo's Report and Recommendation and **denies** petitioner's motion to proceed *in forma pauperis* [Doc. #2]. Petitioner is granted twenty (20) days within which to pay the \$5 filing fee. If the fee is not paid, the action will be dismissed without prejudice to refiling.

**IT IS SO ORDERED.**

Dated this 17 day of ~~OCTOBER~~, 2011.



Handwritten signature of Joe Heaton in black ink, written over a horizontal line.

JOE HEATON  
UNITED STATES DISTRICT JUDGE